

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMES JIRAK and ROBERT PEDERSEN,)	
)	
Plaintiffs,)	No. 07 C 3626
)	
v.)	Judge Ruben Castillo
)	
ABBOTT LABORATORIES, INC.,)	Magistrate Judge Michael T. Mason
)	
Defendant.)	

**DECLARATION OF MICHAEL DICHARA IN SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

MICHAEL DICHARA declares pursuant to 28 U.S.C. § 1746 under penalty of perjury that the following is true and correct:

1. I am counsel for the Plaintiffs in the above-reference action. As such, I am familiar with the facts set forth herein.
2. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.
3. Attached hereto as Exhibit A are true and accurate copies of excerpts from the deposition transcript of Michael Rancourt, Senior Director of Sales Strategy and Operations for Abbott.
4. Attached hereto as Exhibit B are true and accurate copies of excerpts from the deposition transcript of Elizabeth Beele.
5. Attached hereto as Exhibit C are true and accurate copies of excerpts from the deposition transcript of Nicole Mene-Guerrera.
6. Attached hereto as Exhibit D are true and accurate copies of excerpts from the deposition transcript of James Jirak.

7. Attached hereto as Exhibit E are true and accurate copies of excerpts from the deposition transcript of Robert Pederson.

8. Attached hereto as Exhibit F are true and accurate copies of excerpts from the deposition transcript of Antonio Torres.

9. Attached hereto as Exhibit G are true and accurate copies of excerpts from the deposition transcript of Rena Riccardi Hurley.

10. Attached hereto as Exhibit H are true and accurate copies of excerpts from the deposition transcript of Bruce Brown.

11. Attached hereto as Exhibit I are true and accurate copies of excerpts from the deposition transcript of Thomas Chao.

12. Attached hereto as Exhibit J are true and accurate copies of excerpts from the deposition transcript of Jerry Rogers.

13. Attached hereto as Exhibit K are true and accurate copies of excerpts from the deposition transcript of Steven Arri.

14. Attached hereto as Exhibit L are true and accurate copies of excerpts from the deposition transcript of Matthew Keyser.

15. Attached hereto as Exhibit M are true and accurate copies of excerpts from the deposition transcript of Tamara Benton.

16. Attached hereto as Exhibit N are true and accurate copies of excerpts from the deposition transcript of James Martin.

17. Attached hereto as Exhibit O are true and accurate copies of excerpts from the deposition transcript of Joanne Kotmel.

18. Attached hereto as Exhibit P are true and accurate copies of excerpts from the deposition transcript of Amber Munson.

19. Attached hereto as Exhibit Q are true and accurate copies of excerpts from the deposition transcript of Teresa Bodie.

20. Attached hereto as Exhibit R are true and accurate copies of excerpts from the deposition transcript of Jill Barth, a Senior Manager Pricing Accounting for Abbott.

21. Attached hereto as Exhibit S are true and accurate copies of excerpts from the deposition transcript of Cheryl Fuller.

22. Attached hereto as Exhibit T are true and accurate copies of excerpts from the deposition transcript of Michael Boyer.

23. Attached hereto as Exhibit U is a true and accurate copy of the *amicus curiae* brief, filed on October 13, 2009, by the United States Department of Labor ("DOL") submitted in *In Re Novartis Wage and Hour Litigation*, Docket. No. 09-0437, an appeal pending before Second Circuit Court of Appeals.

24. Attached hereto as Exhibit V are true and accurate copies of excerpts from the deposition transcript of Joseph Serio, Senior Manager in Manager Care-Contract Area for Abbott.

25. Attached hereto as Exhibit W is a true and accurate copy of a document entitled *Pharmaceutical Marketing in Perspective*, generated by PhRma.

26. Attached hereto as Exhibit X are true and accurate copies of excerpts from the deposition transcript of Ranjeeta Sample.

27. Attached hereto as Exhibit Y are true and accurate copies of excerpts from the deposition transcript of Rebecca Oudal, Manager of Quotas and Initiatives for Abbott.

28. Attached hereto as Exhibit Z is a true and accurate copy of a survey entitled *The Public on Prescription Drugs and Pharmaceutical Companies* conducted by the USA Today, Kaiser Family Foundation, and the Harvard School of Public Health, dated March 2008.

29. Attached hereto as Exhibit AA is a true and accurate copy of a document entitled *Abbott Reward and Recognition*, bearing Bates stamp numbers 36487-36503.

30. Attached hereto as Exhibit BB are true and accurate copies of excerpts from the deposition transcript of Shryl Hoover, Account Manager in Talent Acquisition for Abbott.

31. Attached hereto as Exhibit CC is a true and accurate copy of a document entitled *Omnicef for Oral Suspension T3 Coaching Guide*, bearing Bates stamp numbers 11056-11085.

32. Attached hereto as Exhibit DD is a true and accurate copy of a document entitled *Biaxin XL Resistance Objection Algorithm*, bearing Bates stamp number 6819.

33. Attached hereto as Exhibit EE is a true and accurate copy of a document entitled *Expect More in Dermatology*.

34. Attached hereto as Exhibit FF is a true and accurate copy of a document entitled *Response to Unsolicited Question ACTG 5142*, bearing Bates stamp numbers 6418-6421.

35. Attached hereto as Exhibit GG is a true and accurate copy of a document entitled *Omnicef Capsules Coaching to Cornerstone*.

Dated: December 14, 2009


Michael R. DiChiara